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ABSTRACT

To help coordinate the effort of filling school staff positions, this brief article pinpoints the responsibilities of the school, board, superintendent, school attorney, and personnel director, and identifies the steps in the hiring process. The school board's role, which goes far beyond being a rubber stamp, is described as including both its legal obligations and its implications for personnel policy. The major components of the superintendent's role are given, as are the uses of the school attorney in routine hiring. The responsibilities of the personnel administrator and principals are also laid out, with a short summary of the role interactions to be expected of all parties responsible for hiring. In chronological order, a checklist gives the major administrative steps in the selection process. To conclude, a one-page "Policy Adviser" answers questions on what items may be discussed legally in executive session and under what circumstances policy should be suspended. (JW)

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Updating SCHOOL BOARD POLICIES
Volume 14/Number 3/March 1983
A component of the Educational Policies Service of the National School Boards Association provided to NSBA Direct Affiliates and EPS subscribers

✓ Know your job to hire the best staff

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Know your job to hire the best staff

With limited school funding, it's ever essential that school leaders ensure that each staff position is filled with the best person possible.

How do you do this?

Foremost, you recognize that the staff selection process requires a coordinated effort among many persons; and you understand that it is a complex process governed by such constraints as budget, school system size, legal requirements, and community characteristics.

Then you commit yourself to developing a unique set of recruiting, hiring, and assignment policies and procedures that work best for your school system.

Areas of responsibility

Once so committed, your first step should be to determine who's responsible for what. Specific areas of responsibility may differ among school systems but, in most places, four parties are involved: the school board, superintendent, school attorney, and personnel director.

The board's responsibility

The school board normally is vested by the state with the duty and authority to employ certificated and noncertificated personnel. If this power is granted by the state, it cannot be delegated; but, depending upon the specifics of state law, the board normally employs staff upon the recommendation of the superintendent of schools.

These remarks from the Washington State School Director's Association reflect a common view of the board's role:

"[It] is the responsibility of the board of education to seek applicants, interview, and actually make the choice of the superintendent. . . . It then becomes the responsibility of this official to select and recommend all employees of the [school system]. If the board is to hold him responsible for the efficient functioning of the schools, as it should, it must permit him to make the selection of personnel who will assist him. This principle of administration is important enough that it should be adopted as a policy of the board.

"Individual board members have a right when considering a nomination by the superintendent to question either the specifications set up for the job or the qualifications of the nominee. Inability by the superintendent to satisfy the board may result in refusal to hire the applicant, and it will be necessary for him to make new recommendations. On the other hand, it is good practice to consider seriously the recommendations of the superintendent. If the board continually questions his ability to select personnel, then it should employ another administrator.

"Employment should be based on objective standards that are set up as board policies and not on any considerations such as personal acquaintance or friendship, political, social, or religious affiliations; the applicant's need for a job; his place of residence; membership in any specific organization; or marital status. It is not the business of the [school system] to furnish employment for anyone, but to make selections of staff on the basis of who will give the best returns in educational results.

"While state law makes numerous provisions for certification of teachers and administrators, the local board may add to these as it sees fit. Any supplementary qualifications should be professional and not personal."

Usually, the board "legitimizes" the selection of staff as identified by the superintendent, but this does not mean that the school board is nothing but a rubber stamp. The board's influence upon staffing practices goes far beyond voting "aye" on a list of candidates for jobs.

Says Arthur Steller, assistant superintendent for the Shaker Heights (Ohio) Public Schools: "The role of the board is to make sure the personnel selection process is spelled out, including expectations for personnel hired, who will be involved in the process, and the criteria for selection."

The board approves the establishment and elimination of all positions, and it is the board that adopts the budget and sets salaries, benefits, and working conditions—all factors that have significant effect upon recruiting and the quality of the people hired to fill school positions.

Then, too, there is the board's attitude. Some school boards clearly want to promote a spirit of innovation and experimentation; others want to go "back to the basics;" still others are essentially conservative, but agree to cautious changes. It's important that a school system's recruiters are mindful of the board's thinking on such matters as they interview and screen candidates.

Finally, the staffing process is influenced significantly by the board's authority as the school system's overall policy-making body. These questions suggest the influence that written policies have upon the entire staffing process:

- Is there a policy expressing preference on the subject of hiring from within as opposed to recruiting outside the school system?

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- Is there a policy on providing on-the-job training for promoted persons to help them meet qualifications of their new jobs?
- Is there a policy on hiring of spouses, siblings, children, or other relatives of staff members and board members?
- Is there a policy regarding "moonlighting"?
- Is there a policy regarding the ethics of recruiting personnel currently employed in other school systems?
- Is there a policy regarding payment of employment agency fees for successful job candidates? Payment of interview travel expenses? Payment of relocation expenses?
- Is there a policy regarding employment of veterans of the armed services?
- Is there an affirmative action policy regarding employment of minority group members?

If a school system has—as most do—a variety of such personnel policies, it is simplistic to think of the board's role in staffing as confined exclusively to adopting an enabling policy and endorsing the superintendent's list of nominees for employment. The board has a profound effect on the staffing effort.

"Our board takes an active role in hiring," says Michael Griffin, assistant superintendent for personnel and administration of the East Islip (N.Y.) Public Schools. "When we present names of candidates the members will ask questions, and make sure all procedures have been followed. They want to be sure they hire the best qualified people," he adds.

The superintendent's role

The superintendent, as the board's professional adviser, is a critically important figure in staffing. He:

- identifies immediate and long-term personnel needs, both quantitatively and qualitatively.
- develops and oversees the implementation of a detailed plan for locating and attracting qualified persons for service in the school system.
- makes the final nominations of candidates for each job vacancy and presents these to the board for appointment.

Like the board's, the superintendent's philosophy is determinative. More than any other individual, the superintendent sets the tone about the kind of persons the school system wants to identify and employ.

The school attorney's role

The recruiting, hiring, assigning, and transferring of personnel in a school system are affected by a variety of legal and quasi-legal rules, regulations, contracts, and court decisions.

Jobs in your school system may be affected by municipal regulations requiring residency of municipal employees; the appointment standards of the state civil service system; the teacher tenure act of your state legislature; rulings of the Equal Employment Opportunities Commission; regulations from your state board of education; and a host of other such restrictions. It is imperative, therefore, that all policies and practices related to the staffing process be checked and verified by your school system's legal adviser.

Charles Johnson, attorney for the Leon County School Board in Tallahassee, Fla., recommends consultation with the school attorney when the board is redrafting personnel policy. "The attorney should review the policies in light of any staff negotiating agreements," says Johnson. He also recommends that an attorney review the negotiated agreements prior to board signature.

Many school systems do not often consult their attorneys on routine hiring. Says Griffin: "If I feel I might face a legal challenge because of something the candidate says in the interview or some impression I receive from the candidate, I get in touch with our attorney, but otherwise it's not necessary."

Administrators agree, however, that it's good practice to have your attorney review application forms and procedures to make sure no laws —especially those regarding nondiscrimination—are being violated. Says Daniel Norman, director of administrative services for the Henrico (Va.) County Schools: "Attorneys have that special eye for picking out the legal pitfalls in what seems to be a perfectly innocuous question to most lay persons."

The personnel administrator's responsibilities

In all but the smallest school systems, the volume of paperwork generated by each job opening is substantial, and the details of following through on the dozens, sometimes scores, of applications for each open job are time-consuming and complex. It is the personnel administrator's job to design and implement a system for handling all these details and processing all the paper generated by the staffing effort.

Paper processing should be "very closely orchestrated," says Griffin, to ensure that all recruiting and hiring practices are uniform and not discriminatory, and to make sure the school system attracts an adequate pool of high quality applicants.

Generally, it is the personnel administrator's task to assure that the school system has methods and procedures that are sufficiently detailed to ensure an ongoing supply of qualified applicants as job openings occur and to provide for their processing within the school system's philosophical and budgetary constraints.

The personnel administrator plays a key role in influencing the likely number of applicants through his control of the school system's advertising procedures for job vacancies.

"It's my job to keep a finger on the pulse of the market," says Nor-

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man of the Henrico schools. Norman views his role as personnel administrator as "interpretive."

"I have to understand our current staffing—it's strengths and weaknesses—and maintain an eye on future staffing needs. I then have to communicate to my staff the strategies and techniques we need to develop based on changes in the job market and changes resulting from board policy and goal setting." Although most changes in recruiting and hiring practices result from changes in board policy filtering downwards, Norman notes that his interpretation of job market trends also filters upwards to the board and can have influence on board policy.

The principal's role

In most school systems, the principal asks for needed personnel, then is called upon to interview candidates who may be assigned to his building. In the Shaker Heights schools, for example, the building principal is a member of a team of interviewers developed to screen professional position candidates. In some systems, especially those with a small central office staff, the principal may perform many of the duties ascribed to a personnel administrator.

In the Henrico County schools, the principal—like all parties involved in hiring—is accountable for following accepted interviewing procedures. Says Norman: "If the principal doesn't follow the accepted practices, the personnel office has the authority to stop his recommendation and ask for a review of the candidate's qualifications and the interviewing procedures used."

Role interaction

Actual staff recruiting, hiring and, ultimately, selection require interweaving of these roles. For example, a request to fill a new administrative position, could come from the board or the superintendent, but a request to fill a routine vacancy—that of a resigning teacher—would come from a principal. The request for a new custodian would come from the head custodian or the administrator in charge of maintenance and facilities. All of these would be processed through the school system's central office and passed on to the personnel director.

The personnel director and the supervisor of the position would be responsible for interviewing candidates and assessing their skills. The format of the interview, however, would be developed by the personnel director and reviewed by the school attorney. The job description and salary schedule discussed with the candidate would be approved by the board.

Finally, candidates chosen for a position are recommended to the superintendent for hiring by the personnel director. The superintendent, in turn, recommends the candidate to the board for hiring, and the board's approval is final.

While school boards have an essential role in the hiring process, most boards accept the hiring recommendations of their superintendent without question. Says Griffin of the East Islip schools: "If I've done my homework, the superintendent's recommendation isn't questioned. Therefore, I always make sure my homework is done."

With all responsible parties doing their "homework," school systems can be assured of hiring the best available personnel to teach their community's children. ■

This article has been adapted from material in the newly issued *School Personnel Management System*, edited by Diane Kirrane.

The selection process

The following checklist gives a chronological order to major administrative actions in the selection process. Of course, the procedures for notification of successful applicants and for signing formal work agreements will vary depending on state law, collective bargaining agreements, and administrative preferences based on local considerations.

- Receive request to fill vacancy.
- Prepare or update job description for vacancy.
- Plan procedures for filling the particular vacancy in light of requirements of law, collective bargaining agreements, board policies, budgetary and time constraints, and the like.
- Determine whether candidate search will be internal, external, or both.
- Post notice of vacancy and notify other recruiting sources as appropriate.
- Collect applications, resumes, proof of certification, and other data as appropriate.
- Screen applications to eliminate applicants who lack required experience or credentials.
- Notify applicants who lack required experience or credentials.
- Interview all candidates with required experience and credentials, or rescreen to determine candidates to be interviewed on the basis of superior experience and credentials.
- Use interviews to assess candidates with regard to requirements other than written credentials (for example, clear speaking voice).
- Verify work references of remaining candidates. (Note: Some school systems do this as part of the initial screening of all applicants, but most systems wait until after the interviews when the field of candidates has been narrowed.)
- Decide which candidate(s) to recommend for hiring.
- Notify chosen candidate(s) of their recommendation for employment, pending approval by the board. (Note: Some school systems do not notify candidates until selection has been approved.)
- Inform candidates not employed of the status of their applications; that is, will they be considered eligible if similar positions become available in the near future?
- Notify selected candidate(s) of the board's decision to hire.
- Arrange for formal work agreement with the new or transferred employee.
- Originate or update permanent, assignment, and payroll files for the new or transferred employee.
- Arrange for specific assignment and orientation of new or transferred employees.

Policy Adviser

What items may be discussed legally in executive session—*Administrator for Special Services, Arkansas*

The items that may be discussed in executive session by law vary from state to state, so you should seek your attorney's advice on this matter. Most states, however, provide that boards may discuss in executive session:

- the purchase or sale of property.
- attorney-client matters, such as trial or settlement strategy on pending litigation.
- contract proposals or negotiations with staff collective bargaining units.
- personnel issues. This may include the appointment, employment, or dismissal of an employee; or complaints or charges against an employee.

In some states, expulsion or suspension of, or disciplinary action in connection with, any student also may be discussed in executive session if a closed hearing is requested by the student or the student's parent or guardian. In other states, matters connected with security may be discussed.

Many states also include a stipulation that matters specifically exempted from state or federal statute may be discussed in executive session.

A board's policy statement should not only include the reasons for which executive sessions may be called, but should include a statement that no action will be taken by the board until it returns to open session. The policy also should include a statement that the board may invite anyone to attend an executive session and, except when discussing matters related to his contract, the superintendent is usually invited. All matters discussed are confidential among those present.

Furthermore, in accordance with most open meetings laws, boards should have on record in the minutes of the regular or special board meeting that an executive session was called, and when the meeting was reconvened to open session.

Under what circumstances should policy be suspended? —*Board member, New York*

Policy may be suspended whenever a majority of board members agree that an emergency issue has arisen that has new or special—and possibly unique—aspects and subtleties that make application of existing policy inappropriate. The reason for policy suspension should be a mixture of diverse circumstances that are unlikely to reoccur.

Boards can avoid the frequent suspension of policy at will by requiring more than a simple majority affirmative vote—perhaps a two-thirds vote—for policy suspension. This helps ensure that the special factors influencing a decision to suspend policy are worthy of exceptional board response and are not arbitrary, prejudicial, or discriminatory.

If, however, policy suspension is based on a new and continuing change or development, policy review and updating are in order. As a rule, if a policy is suspended more than once in a year, the policy is no longer serviceable and needs board review. ■

For more policy help

Sample policies and exhibits relating to the topics covered in this month's *Updating* are included in the school administrator's copy. These are:

Hiring: GBC-E, Staff Ethics; GCQA, Nonschool Employment by Professional Staff Members; GDC, Support Staff Recruiting; GDC/GDD, Support Staff Recruiting/Hiring.

Manual Upkeep: BFD, Policy Dissemination.

Additional sample policies and regulations on these and other topics may be requested from the EPS Policy Information Clearinghouse, NSBA, 1055 Thomas Jefferson St., N.W., Washington, DC 20007.

NSBA
DIRECT | AFFILIATE
National School Boards Association
1055 Thomas Jefferson Street, N.W.
6th Floor
Washington, D.C. 20007